

Tech Titans

Kronenberger Rosenfeld started as an IP boutique but soon established itself as a go-to firm for novel legal issues flowing from emerging technologies, including litigation stemming from hacking and spamming.

By Joshua Sebold
Daily Journal Staff Writer

SAN FRANCISCO — Kronenberger Rosenfeld LLP was one of the first Internet litigation boutiques in the Bay Area and quickly established itself as a player in a variety of novel areas where the law has been outpaced by technology.

The firm started out with a focus on intellectual property, helping Dropbox Inc. obtain the “dropbox.com” domain name, and has since branched out to everything from email spam cases to hacking litigation.

“If you’re practicing civil litigation, you’re probably relying on some of the same stuff over and over again,” said partner Ginny Sanderson. “Here it’s really how to take those laws and apply them to new situations, new concepts, new technology, that when the law was made, it didn’t necessarily anticipate those issues or relationships coming into play.”

The firm won one of the first plaintiff victories in a revenge porn case last year, earning \$250,000 in damages for a woman who had photos of her posted online by her ex-boyfriend’s new girlfriend. *Liamsithisack v. Bruce et al*, CV233490 (Santa Clara Co. Super. Ct., filed Oct. 3, 2012).

Founding partner Karl S. Kronenberger and his partners, Jeffrey M. Rosenfeld and Sanderson, have also played a significant role in tamping down the rash of email spam litigation brought under the federal CAN-SPAM Act in the 9th Circuit due to their victories defending companies whose subcontractors were accused of sending spam.

The firm has also won cases in court that clarified that emails must be “materially deceptive” and cause “adverse effects” for plaintiffs to be considered illegal spam.

“We got a great ruling on adverse effects where the judge said ‘you just weren’t damaged,’” Kronenberger said. “That really concerned plaintiffs



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Karl S. Kronenberger, left, Ginny Sanderson and Jeffrey M. Rosenfeld, partners at Kronenberger Rosenfeld LLP

because we also got an \$800,000 fee award.” *Asis Internet Services v. Azoogole.com, Inc.*, 15979 (9th Cir., filed April 24, 2008).

The firm has also established itself as an authority on hacking cases. The firm represented the United States Chess Federation in a lawsuit against two of its board members, including the first female chess grandmaster, Susan Polgar.

Kronenberger alleged an employee of one of the board members hacked into the email account of a fellow board member. That case ended in a settlement with Polgar and fellow board member Paul Truong leaving the board. The employee ended up taking a harder fall.

“He was indicted,” Kronenberger said. “At the mediation, he got arrested by the Secret Service.”

Now the firm is representing a teacher who alleges his school district used his saved login information to gain access to his accounts on dozens of websites after he was placed on administrative leave.

“They got into everything from Gmail to Netflix to Facebook to his health care provider,” Rosenfeld said. “They logged into his email and Face-

book account using that information for six months to monitor his emails.”

Rosenfeld said many people have disclaimers on their work computers disclosing that they may be tracked, but this case pushes the limits of that.

“Our position is clearly that doesn’t extend to email activities that occur from non-work computers during non-work hours,” he said.

The firm grew steadily during the recession, adding two associates and an of counsel, and plans to add one or two more lawyers in the next six months.

The partners are also open to offers to combine with other firms. The firm has had its eye on the Los Angeles market in particular, due to the amount of technology-oriented litigation they’re already involved in there.

The firm’s attorneys charge \$512 to \$575 per hour, but often give discounts to emerging company clients in the \$435 to \$490 range. Associates charge \$355 per hour or \$300 at the discounted rate.

The firm’s beginnings are emblematic of its technology focus. When Karl Kronenberger decided to expand his budding tech firm beyond a solo

practice, he put ads on Craigslist Inc.

Kronenberger cut his teeth as a Judge Advocate General in the military and then became general counsel of a media company he co-owned with his brothers. When they sold the company, he served in the same role for two years at the acquirer before opening his own private practice in 2003.

A few years later, fellow name partner Jeff Rosenfeld responded to a Craigslist ad while seeking his exit from big firm life, where he dabbled in privacy and IP work but found himself embroiled in massive securities cases to which he had difficulty relating.

Sanderson, a former sports and entertainment attorney who previously worked in the film industry on the technical side of the editing process, joined in 2010 after moving to the San Francisco Bay Area. She responded to another Craigslist ad for a part time position. She had full time offers from two other firms, but the Kronenberger firm felt like a better fit. Sanderson became a partner last year.

“I just knew it was the right fit for me,” she said. “So I took it and it was never part time from day one. We had plenty of work and I was brought on in just a few weeks as a full-fledged employee.”

Bennet Kelley, another member of the Internet litigation bar, who has worked with and against Kronenberger, said this is a hallmark of the firm, that people will turn down better offers for a chance to work there.

Kelley said he’d had conversations with one of the firm’s young associates, Conor Kennedy, who passed up more money from other firms for the opportunity to learn under the boutique’s partners.

“There are lots of white-collar shops he could go to coming from Harvard, but he knows he’s going to get great experience and enjoy what he’s doing,” Kelley said. “I think he made the right choice.”